

**RULES AND REGULATIONS  
OF THE  
BOARD OF LIQUOR LICENSE  
COMMISSIONERS FOR  
BALTIMORE COUNTY**



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Revised ~~October 2018~~ MARCH 2019

<https://www.baltimorecountymd.gov/Agencies/liquorboard/>

## PREFACE

The present Rules and Regulations took effect ~~October 2018~~MARCH 2019

All licensees shall comply with all of the provisions of the Alcoholic Beverage Article of the Annotated Code of Maryland, in addition to all of the Rules and Regulations of the Board of Liquor License Commissioners for Baltimore County. The licensee may be subject to a fine of not more than \$2000 or suspension or revocation of their license or both for any violation of any of these rules. These rules are not intended to conflict with the Alcoholic Beverage Article of the Annotated Code of Maryland. Should any conflict arise, the alcoholic beverage article will be the controlling authority.

## **RULE 1 - NO SALES TO INTOXICATED PERSON**

A Licensee holder or an employee of a license holder may not sell or provide alcoholic beverages to an individual who at the time of sale or delivery is visibly under the influence of an alcoholic beverage.

## **RULE 2 - PROHIBITED PRACTICES**

A. A licensee may not permit or suffer any person employed in or a frequenter of the licensee's establishment to solicit for himself or others the purchase by patrons of food, tobacco or drinks, whether alcoholic or non-alcoholic, or money with which to play a music box or other entertainment device. A licensee may not pay, offer to pay or suffer to be paid to any person whatsoever, male or female, any commission, gratuity or fee, whether in money, goods, or other consideration, for, upon or in connection with the sale of any food, tobacco, or drinks, alcoholic or non-alcoholic, or the use of any music box or other entertainment device.

B. A licensee's premise may not be used at any time for the conduct, exhibition or performance of any immoral, lewd, obscene or indecent act or show. It shall be unlawful for any person, performer, and/or wait staff to be on the licensed premises without some garment that properly covers both the breasts and lower torso.

A licensee may not permit, suffer, condone, authorize or sponsor any of the following activities to occur on any premises or location for which an Alcoholic Beverage License has been issued.

### **1. With respect to attire and conduct:**

(a) Employment or use of any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing so as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

(b) Employment or use of the services of any host, hostess or other person to mingle with the patrons while such host, hostess or other person is unclothed or in such attire, costume or clothing as described in paragraph (a) above.

(c) Encouragement of or permitting any person on the licensed premises to touch, caress or fondle the breast, buttocks, anus or genitals of any other person.

(d) Permitting any employee or person to wear or use any device or covering exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.

### **2. With respect to entertainment provided anywhere within the licensed premises:**

(a) Permitting any person to perform acts of or acts which simulate:

- (i) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts that are prohibited by law.
- (ii) The touching, caressing or fondling of the breasts, buttocks, anus or genitals.
- (iii) The displaying of the pubic hair, anus, vulva, or genitals.

(b) Permitting any person to use artificial devices or inanimate objects to depict, perform or simulate any activity prohibited by subparagraph (a)(i) above.

(c) Exhibiting or showing any motion picture film, still picture, electronic reproduction or other visual reproduction depicting:

(i) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts that are prohibited by law.

(ii) Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.

(iii) Scenes wherein a person displays the vulva or anus or genitals.

(iv) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

(e) Permitting any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus.

C. A licensee may not permit any of the acts prohibited in paragraphs A through C in this Rule 2.

D. A licensee's premises shall not be used for any act which shall be contrary to any federal, state or local statute, law or ordinance or against the public peace, safety, health, welfare, quiet, or morals.

E.1. A licensee's premises shall not be used for the purpose of book-making or illegal gambling in any form, or as a disorderly house, or for the purpose of perverted practices. The licensee and the licensee's employees, patrons or frequenters may not solicit any person or persons for immoral purposes. The licensee may be subject to suspension or revocation of the license for the licensed premises where the violation occurred or a fine of not more than \$2000, or both for any violation of this paragraph.

2. The Board may, following a hearing, revoke or suspend any license under its jurisdiction and fine up to \$2,000 for any conviction of any laws of the State of Maryland concerning gambling or gaming on the licensed premises by the licensee or one or more of the clerks, patrons, agents or employees of a licensee. For the purpose of this Rule, "conviction" means any finding of guilt, including nolo contendere, and probation before judgment following a court trial.

F. A licensee may not lock or secure the entrance doors to the licensee's licensed premises during the operation hours of the licensed establishment from 6:00 a.m. to 2:00 a.m. while any customers or patrons of said licensed establishment are on the premises. A licensee may not prohibit any law enforcement officer or duly authorized inspector of any federal, state or county government department from entering the licensee's licensed premises any time it is occupied.

G. A licensee may not allow open containers of alcoholic beverages to be carried in or out of the licensed establishment.

G-H. A CLASS B OR D LICENSEE MUST OPERATE THE RESTAURANT AND/OR TAVERN RESPECTIVELY IN ORDER TO MAKE OFF PREMISE SALES.

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### **RULE 3 – DISTURBANCE OF THE NEIGHBORHOOD**

A. All licensees shall cease the playing of mechanical music boxes, live music and sound-making devices at 11:00 p.m. every day unless such licensed establishments are sufficiently enclosed or located in an area where the sound will not disturb the peace of nearby residents.

B. 1. All licensees shall operate their establishments and premises in a manner that will not disturb the peace, tranquility, safety, health, and quiet of the neighborhood where the licensee's establishment is located. The licensee's operations may not adversely impact the neighborhood in terms of noise or illegal, boisterous or unsafe activities.

2. For purposes of this section, the licensee's establishment shall include any parking area owned or under the control of the licensee.

3. Rule 16 of these Rules and Regulations is incorporated by reference into this Section.

### **RULE 4 - POSSESSION OF LIQUOR FORBIDDEN IN BEER ESTABLISHMENTS**

A licensee and the licensee's agents or employees may not have in their possession at any place on the licensed premises or in the building in which the licensed premises are located any alcoholic beverages not permitted to be sold under the licensee's license.

### **RULE 5 - AGE OF EMPLOYEES**

A. 1. It shall be unlawful for any alcoholic beverage licensee to employ any person under the age of twenty-one (21) years in the sale or service of alcoholic beverages except as otherwise provided herein.

2. A licensee may engage musicians or entertainers between the ages of eighteen (18) and twenty-one (21) years to perform on the licensed premises, provided that said musicians or entertainers have registered (See Rule 14B) with the Board of Liquor License Commissioners for Baltimore County.

3. The owner of any Class B Alcoholic Beverage License may employ any person between the ages of eighteen (18) and twenty-one (21) years of age; said employees may serve as bus personnel and may participate in the serving of beer, wine and liquor to customers seated at tables for dining. All other persons who are employed and are under twenty-one (21) years of age for any reason by or for any licensed establishment must register

for approval at the Board of Liquor License Commissioners for Baltimore County according to the procedures heretofore adopted by the Board (See Rule 14B). A person under the age of

twenty-one (21) is strictly prohibited from selling any alcoholic beverages or from working behind a bar (except for cleaning purposes only) where liquor is sold, mixed or dispensed.

B. It shall be unlawful for the holder of a Class "D" license to allow any minor or minors under the age of twenty-one (21) years to be on the premises after 10:00 p.m. of each and every day unless accompanied by a parent or legal guardian who is twenty-one (21) years or older.

C. The holder of a Class "B" license for a restaurant, as defined by the Board, may admit persons under the age of twenty-one (21) years; however, such minor persons shall be seated at tables away from the bar, and such minor persons shall be allowed to dance where dancing facilities are legally provided.

D. The same rule that applies to holders of a Class "B" license shall also apply to holders of a Class "C" license.

E. This restriction concerning minors under the age of twenty-one (21) years on the premises after 10:00 p.m. shall be waived under the following circumstances:

(1) In the event that a private party is being held in an area separated from the public section of the premises; or

(2) In the event that the entire establishment is closed to the public for a private affair and the entire premises is being used for the conduct of a private party; minors under twenty-one (21) years of age may be permitted in that separated area or on those premises closed to the public during the time the private affair is actually in progress. However, under no circumstances shall these minors be permitted in any part of the premises other than that portion closed to the public.

## **RULE 6 - NO GIFTS OR REBATES**

(a) Definitions. --

(1) In this section the following words have the meanings indicated.

(2) "Advertisement" includes a graphic or nongraphic sign, display, poster, and placard.

(3) "Manufacturing entity" means:

(i) a holder of a manufacturer's license or a person connected with the business of the holder; or

(ii) a distiller, nonresident dealer, resident dealer, brewer, rectifier, blender, or bottler of alcoholic beverages.

(b) Restrictions on ownership interest in retail establishment. -- Except as otherwise provided in this section:

(1) a manufacturing entity may not have a financial interest in:

(i) the premises on or in which a license holder sells alcoholic beverages at retail; or

(ii) a business that a license holder conducts;

(2) a manufacturing entity may not lend money or any other thing of value, make a gift, or offer a gratuity to a retail dealer;

(3) a retail dealer may not accept, receive, or make use of money, a gift, or an advertisement provided by a manufacturing entity or become indebted to a manufacturing

entity except for the purchase of alcoholic beverages and allied products purchased for resale; and

- (4) a manufacturing entity may not provide an advertisement to a retail dealer.

(c) Advertisements allowed -- Brewed products. --

- (1) This subsection applies only to brewed products.

(2) (i) Except as provided in subsection (e) of this section, a brewer, nonresident dealer, or resident dealer may not provide to a retail license holder an advertisement that:

1. is worth more than \$ 150; and
2. advertises the beer or malt products of a particular brewer, nonresident dealer, resident dealer, or beer wholesaler.

(ii) An advertisement provided in accordance with this subsection shall contain brand information that is prominent, permanent, and equal to the life and value of the utilitarian character of the advertising item.

(d) Advertisements allowed -- Wine and liquor. --

- (1) This subsection applies only to wine and liquor.

(2) An advertisement for use in windows or elsewhere on a retail liquor establishment may be given to a retailer by a brand owner who is engaged in the business of a manufacturing entity, if:

- (i) the utilitarian value is secondary and only incidental to the value as an advertisement;
- (ii) the total value of an item provided by a brand owner for each of its individual brands for use in any one retail establishment at any one time is not more than \$ 150 for each individual brand; and
- (iii) the cost of installing these materials does not exceed the usual cost in the locality.

(3) (i) In lieu of pre-manufactured advertising material, materials and labor may be provided by a brand owner for the custom manufacture of an advertising display that:

1. is worth not more than \$ 150;
2. is temporary; and
3. has no other utilitarian value.

(ii) A manufacturer, nonresident dealer, resident dealer, or brand owner may not undertake a plan that directly or indirectly results in the purchase of advertising materials, supplies, or services by a wholesaler's license holder or retail license holder.

(iii) A retail license holder may not participate directly or indirectly in a transaction in which the license holder pays for or shares the cost for any of the advertising materials, supplies, services, or mailing expenses used to promote a brand owner's products.

(e) Exceptions. --

- (1) Subsections (b) and (c) of this section do not apply to:

(i) a holder of a Class 6 pub-brewery license with respect to the malt beverages brewed on the premises; or

(ii) a holder of a Class 7 micro-brewery license with respect to the malt beverages brewed on the premises that are sold:

1. on the licensed premises of the brewery; or

2. in a restaurant or brewery pub owned, conducted, and operated by the holder in or adjacent to the brewery for which it is licensed.



(2) A holder of a Class 6 pub-brewery license or a Class 7 micro-brewery license may hold or have a financial interest in one retail license that does not apply to premises to which a Class 6 pub-brewery license or Class 7 micro-brewery license applies.

#### **RULE 7 - LICENSEE TO RUN HIS OWN BUSINESS**

Every licensee shall be the actual owner of the business conducted on the licensed premises. An "Owner" is defined as a person with a real, provable financial investment in the business.

In the case of a corporation in which a majority of the shares of stock are owned or controlled either directly or indirectly by one (1) or more corporations whose shares of stock are authorized for sale by the Securities and Exchange Commission of the United States, the term "Owner" shall be expanded to include a stockholder or managerial employee of the actual owner. In that event, all licensees shall be officers of the corporation.

At least one of the licensees on a license shall be an "operator" of the business conducted on the licensed premises and that same individual shall be responsible for the day to day operation of the license. The residency requirement in effect at the time of the issuance of the license shall remain as long as the license is in effect.

#### **RULE 8 - NO FREE MERCHANDISE OR PRIZES**

A licensee may not offer free merchandise to encourage the sale of alcoholic beverages except that calendars and favors for amusement may be given away. No alcoholic beverages may be sold or given away as prizes in connection with the playing of any claw, pinball, or slot machine or similar device such as punch cards, etc.; provided, however, that all persons holding "on sale" licenses may offer free of charge cheese, crackers, pretzels, nuts, hot and cold hors d'oeuvres, or similar type snack.

#### **RULE 9 – DELIVERY OUTSIDE THE LICENSED PREMISES**

- A. Alcoholic beverages may only be sold, served, and consumed on that part of the licensed premises which has been specifically approved for such uses by the Board. No licensee shall permit the sale, service or consumption of alcoholic beverages at drive-in or curb-service dispensaries.
- B. 1. In accordance with the Alcoholic Beverages Article, § 3-506 (b) of the Annotated Code of Maryland, a retail licensee may receive an order for alcoholic beverages (beer, wine or liquor) by mail, telephone, EMAIL, FAX, TEXT OR VIA AN APP and may fill such order by delivery and the payment for the alcoholic beverages at the place of delivery. DELIVERIES ARE NOT ALLOWED OUTSIDE OF BALTIMORE COUNTY.
  - 2. a. Before a retail licensee may receive and fill orders for alcoholic beverages by delivery, the retail licensee shall receive a letter of authorization from the Board.
- B. The Board may not issue a letter of authorization to any licensee who has been found by a final decision of the Board or any court of competent jurisdiction to have violated any rule of the Board or any law prohibiting the sale of alcoholic beverages to minors within THREE (3) years of the date of the hearing required under section 2.b.

C. At the time of application for a permit under this rule, a retail licensee shall submit to the Board information concerning the training of its drivers in verifying the age of recipients of alcohol deliveries.

3. The person who delivers the alcoholic beverages under this rule shall be at least 21 years old.

~~a.~~ 4. A. To complete the delivery of alcoholic beverages under this rule, the person delivering the alcoholic beverages and the person receiving the alcoholic beverages shall complete and sign a form provided by the Board.

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b. The retail licensee shall retain the form for not less than one (34) months after the date of delivery and shall allow the following to review the forms on request:

i. The chief administrator of the Board of Liquor License Commissioners or the chief administrator's designee;

ii. The Board;

iii. The director of permits, approvals and inspections or the director's designee; or

iv. A sworn officer of the Baltimore County Police Department.

5. The person making the delivery for a retail licensee shall refuse to deliver alcoholic beverages under this rule:

a. When the intended recipient is under 21 years of age;

b. When the intended recipient refuses to sign the form required under this rule, or refuses to provide the person making the delivery with a valid driver's license or other valid government-issued proof of identity with proof of age;

c. When the intended recipient appears to be under the influence of an alcoholic beverage; or

d. When the person making the delivery is presented with other matters that may cause concern, including, but not limited to:

i. The presence of underage individuals on the premises not clearly accompanied by responsible parents or guardians; or

ii. The proof of age and identity presented appears to be fake or does not appear to belong to the recipient.

6. The Board may revoke a current letter of authorization if the licensee has been found by a final decision of the Board or any court of competent jurisdiction to have violated:

a. The provisions of this rule; or

b. Any rule of the Board or any law prohibiting the sale of alcoholic beverages to Minors.

#### **RULE 10 - NO SOLICITORS OR LOUD-SPEAKERS**

No licensee shall be permitted to employ any solicitors or salesman for the purpose of soliciting, outside of the licensed place of business, orders for the sale of alcoholic beverages and no sale shall be consummated off the licensed premises. No loud-speaker or other sound making device shall be employed in the sale of such beverages.

#### **RULE 11 - NO ILLEGAL DRUGS OR UNLAWFUL CONSUMPTION OF ALCOHOL ON LICENSED PREMISES**

No licensee shall use or permit to be used or dispensed any unlawful drugs or narcotics on the licensed premises.

It is unlawful for any person to consume on the licensed premises of any licensee any alcoholic beverages not purchased from the licensee on said premises. A Licensee may not allow any person to consume any alcoholic beverage not purchased from the licensee on the premises covered by the licensee and not allowed by law to be consumed on the premises.

#### **RULE 12 - NO CONSUMPTION AFTER HOURS**

No alcoholic beverages shall be served, dispensed, furnished or given away in any part of the premises of any licensed establishment during the hours when sales are prohibited by law.

#### **RULE 13 - RECORDS OF PURCHASES OF ALCOHOLIC BEVERAGES**

A. Licensees shall keep accurate records on their premises of all purchases of alcoholic beverages for a period of one year from the date of each purchase. These records shall disclose the date of each purchase, the quantity purchased and the name and address of each seller. Such records shall be open for inspection at all times by duly authorized representatives of this Board.

B. Licensees who sell Keg beer for off premises consumption, whether the container is disposable or not, shall affix a registration to the keg and retain a copy of that registration for 30 days as required under the Alcoholic Beverages Article of the Annotated Code of Maryland.

#### **RULE 14 - RECORDS OF EMPLOYEES**

A. All licensees shall keep on their premises a record containing the names and addresses and ages of all persons employed by them on said premises and such record shall be open at all times to duly authorized representatives of this Board.

B. The licensee shall submit a Certificate of Registration of all employees under the age of twenty-one (21) to the Board and a copy shall be retained on the licensed premises and available to the authorized representatives of the Board. (Registration Forms are available at the Liquor Board Office or website.)

C. All employees under the age of eighteen (18) and all employees under the age of twenty-one (21), except as otherwise provided in Rule 5, must be approved by the Board prior to employment.

## **RULE 15 - ALTERATIONS OR CHANGES TO PREMISES**

All alterations or changes in the physical design of licensed establishments must be first approved by the Board of Liquor License Commissioners for Baltimore County and the Building Engineer of Baltimore County.

## **RULE 16 - COOPERATION**

All licensees must cooperate with representatives of the Board of Liquor License Commissioners, members of the Police Department, Health Department, Fire Department, Building Engineer Office, Grand Jury and representatives of other authorized agencies whenever any of these persons are on licensed premises on official business.

## **RULE 17 - LIGHTING**

All holders of Class B, C and D Alcoholic Beverage Licenses in Baltimore County are required to have every portion of their licensed premises, which is open to the public, illuminated by sufficient natural or artificial lighting to insure clear visibility within the interior of the premises to permit patrons with normal eyesight to read a menu and walk without fear of injury.

## **RULE 18 - NEW APPLICATION, RENEWAL APPLICATIONS, TRANSFER APPLICATIONS AND FEES: PROTESTS**

### **APPLICATION AND RENEWAL**

A. Application for the issuance, transfer or renewal of licenses shall be made in a legible manner upon standard forms provided by the Board of Liquor License Commissioners for Baltimore County. An application fee of Five Hundred Dollars (\$500.00) shall be paid in connection with applications for the issuance or transfer of a license. All Renewal Applications shall be filed prior to April 1 of each year, provided; however, that the Board may receive late applications during April and may fine the licensee an amount not to exceed Fifty Dollars (\$50.00) for each day the application is late up to a maximum cumulative amount of Five Hundred Dollars (\$500.00).

B. The application and other required documentation shall be filed with the Board and be approved by the Board at a public hearing in advance of said proposed transfer and/or change in ownership. **ALL APPLICANTS OR LICENSEES ARE REQUIRED TO APPEAR BEFORE THE BOARD FOR ANY ACTION HEARD BY THE BOARD THAT INVOLVES THE APPLICANT, LICENSEE OR THE LICENSED ESTABLISHMENT UNLESS PRIOR ARRANGEMENTS ARE MADE AND APPROVED BY THE BOARD.**

C. Any report or documentation to be relied upon by an applicant for a new license or transfer to a new location shall be submitted to the Board a minimum of four (4) days prior to said hearing.

### **PROTESTS**

A. A person or persons wishing to protest the issuance of a new Alcoholic Beverage License should appear before the Board on the date that the hearing thereon is scheduled.

Protestants should identify themselves to the Board and all present shall be permitted to testify in opposition to the issuance; provided, however, that the Board may require that a group of Protestants appoint a spokesperson to testify regarding the interests of all Protestants similarly situated.

B. Those persons wishing to protest the transfer of an existing license shall follow the same procedure as outlined in the preceding paragraph.

C. Protests against the renewal of an existing license shall be filed in writing with the Board at least thirty (30) days prior to April 30<sup>th</sup>, the date of expiration of the license for which renewal is sought. The protest shall be signed by not less than ten (10) residents or owners of real estate in the Election District in which the licensed establishment is located.

If a protest is filed against the Renewal of a license, said renewal shall be heard by the Board and shall be determined as in the case of an original application and all Protestants shall appear in person at the hearing.

D. Protestants should be aware that all appeals from the decisions of the Board shall be governed by the rules of procedure contained in Title 4, Subtitle 9 of the Alcoholic Beverages Article of the Annotated Code of Maryland.

**RULE 19 - POPULATION AND NUMERICAL LIMITATIONS  
(MIXED USE DEVELOPMENT ADDITION EFFECTIVE 11/27/06)**

The maximum number of Alcoholic Beverage Licenses in each of the Election Districts of Baltimore County, Maryland, shall be limited to one (1) On Sale License, excluding Club Licenses, for each two thousand five hundred (2,500) actual population of each Election District and one (1) Off Sale License for each four thousand (4,000) actual population of each Election District, based on and as determined by the official and most current population report of each Election District as determined by the Baltimore County Department of Planning. No license shall be transferable from the Election District in which it was originally located.

**CHANGE IN CLASSIFICATION**

The change in classification of an existing off Sale License to an On Sale License shall require the same independent showing of population and numerical requirements as an application for a new license.

**CLUB LICENSES**

Club licenses shall be excluded in determining the population and numerical requirements of this Rule and shall not be transferable to any other class of license.

**EXCEPTIONS**

A. Office buildings having a minimum of sixty thousand (60,000) square feet of leased commercial office space provided that each such building shall be limited to one (1) Class B (On Sale) beer, wine and liquor license.

B. Hotel or motels having a minimum of one hundred (100) existing rental units provided that each such facility shall be limited to one (1) Class B (On Sale) beer, wine and liquor license.

C. Shopping Centers

1. Shopping Centers having a minimum of two hundred thousand (200,000) square feet of leased store space, a minimum of 10 tenants having existing leases for remaining terms of not less than one (1) year each and parking facilities to accommodate a minimum of four hundred (400) automobiles shall be entitled to one (1) Class A (off Sale) beer, wine and liquor license and one (1) Class B (On Sale) beer, wine and liquor license.

2. One (1) additional Class A (Off Sale) beer, wine and liquor license and one (1) additional Class B (On Sale) beer, wine and liquor license shall be available in any shopping center having a minimum of four hundred thousand (400,000) square feet of leased store space and at least twenty (20) tenants having existing leases for terms of not less than one (1) year each and contiguous off street parking facilities to accommodate a minimum of eight hundred (800) automobiles.

3. One (1) additional Class A (Off Sale) beer, wine and liquor license and one (1) additional Class B (On Sale) beer, wine and liquor license shall be available in any shopping center for each additional two hundred thousand (200,000) square feet of leased store space. However, no shopping center in excess of four hundred thousand (400,000) square feet shall be required to have more than eight hundred (800) parking spaces in order to qualify for these additional exception licenses. The term "shopping center" as used in Paragraph 1, 2, OR 3 of this section means a unified configuration of contiguous commercial store space under one common ownership, no portion of which is divided from any other portion by a publicly maintained street.

4. In this paragraph, the term "Shopping Center" means a unified configuration of contiguous Commercial Store space under one common Ownership or Management, no portion of which is divided from any other portion by a publicly maintained street. Common Management may be demonstrated by the payment of a fee to a common entity, which includes money to maintain the common areas of the Shopping Center. A Shopping Center that qualifies for Shopping Center Exception Licenses under paragraphs 1 and 2 of this section may also qualify for two (2) additional exception licenses under this paragraph. No Shopping Center as defined under this paragraph may have more than four (4) licenses under this section.

D. Mixed Use Developments. A mixed-use development is one having retail, office and residential components in either (1) one ~~structure~~-DEVELOPMENT PROJECT or (2) an approved Transit Oriented Development (TOD) as designated by the State Department of Transportation or (3) an approved Planned Unit Development (PUD). Each mixed use development totaling at least four hundred thousand (400,000) square feet, with retail and/or hotel uses comprising the majority of the street level space, and office and residential space each comprising at least 20 percent of the entire development shall be entitled to two (2) mixed use exception Class B (On Sale) beer, wine and liquor licenses. For every additional two hundred thousand (200,000) square feet, a mixed use development is entitled to one (1) additional Class B mixed use exception (On Sale) beer, wine and liquor license. No more than five (5) mixed-use exception licenses may be issued in any mixed-use development.

Mixed-use development licenses may be obtained in addition to other licenses available pursuant to this Rule, but square footage used in calculating mixed-use development exception licenses shall not also be considered for purposes of determining other exception licenses.

E. No more than five (5) Rule 19 Class B (on sale) exception licenses of any type may be issued [for use at any location or mixed-use development] for use by a license holder at a property that is owned or leased by a person or persons within 2,500 feet of the property line of another property owned or leased by the same person or persons.

No license shall be calculated in the determination of the maximum number of licenses authorized in each Election District.

This rule change shall not apply to: (1) the Metro Centre project in Owings Mills (PAI No. iv-652); or (2) the properties located at 60 Painters Mills Road, 66 Painters Mills Road, 90 Painters Mills Road, and 100 Painters Mills Road; except, however no more than ten (10) total exception licenses of any kind may be issued for the exempted project and properties.

The requirements of this Rule are in addition to the requirements imposed by the Alcoholic Beverages Article § 4-210A, of the Annotated Code of Maryland and a finding that a license application meets the numerical and population requirements contained herein shall not be sufficient alone to meet the general requirements imposed by the Alcoholic Beverage Article for the issuance of new licenses. Nothing contained herein shall prevent the renewal of currently existing licenses.

## **RULE 20 - ORDERS AND RULINGS OF THE BOARD: APPEALS THEREFROM**

All orders and rulings of the Board shall take effect as soon as such order or ruling is made, provided that when an appeal from such order or ruling is filed by the licensee and the costs of such appeal paid, the order or ruling may be stayed pending the disposition of the appeal. The stay of the suspension or other disciplinary action and the suspension of any disciplinary action by the Board is in the sole discretion of the Board unless otherwise provided by law. Licensees desiring an appeal from the order or ruling of the Board shall file with the Clerk of the Circuit Court for Baltimore County a petition and order requesting an appeal. This petition must be filed within thirty (30) days from the decision of the Board, and cost of transcription of testimony and copying of the pertinent papers must be paid to the Transcribing Company by the Licensee at the time of the filing of such petition.

The party or parties desiring the appeal, or their attorney of record, prior to filing an Order for Appeal and the Petition for Judicial Review shall serve a copy thereof on the Board. A Certificate of Compliance with this rule shall be attached to the Order for Appeal and Petition.

The party desiring the appeal, or the party's attorney of record, shall, prior to filing an Order for Appeal and Petition of Appeal, serve a copy thereof on the attorney representing the Protestants, or if no attorney, on the spokesperson representing the Protestants. A Certificate of Compliance with this rule shall be attached to the Order for Appeal and Petition.

## **RULE 21 - NOTICE OF HEARING**

A. The Board shall post notice of all hearings, including hearings on applications for a new license, license transfers, protest of renewal of licenses, hardship extension of licenses, show cause hearings and all other hearings held by the Board on the Board's public website at the time of scheduling of each hearing, but in no event later than fifteen (15) days prior to the scheduled hearing.

Such posting shall include enough detail to identify the applicant or licensee, the specific license or license change requested, or specific conduct allegedly giving rise to the violations for which a show cause hearing is being scheduled, in a manner visible to the general public.

B. At least fifteen (15) days before any hearing shall be had by the Board upon any charge of violation of rules, regulations or laws governing the sale of alcoholic beverages, the Board shall cause to be served upon the licensee charged therewith, a summons containing the following information:

1. Names and addresses of the licensees as same appear on the license.
2. The rules, regulations or laws which the licensee is charged with having violated, together with the date of such violation if it relates to a specific instance.
3. Time and place of hearing.

## **RULE 22 - MINIMUM QUANTITY SALES** (Deleted May 1, 1995)

## **RULE 23 - SEPARATE ROOMS FOR SALES**

All Class A licensees, whose establishments are open for business on Sundays and during other hours when they are prohibited from selling alcoholic beverages, shall keep their entire stock of such beverages securely locked and inaccessible to the public and their employees during all such hours. This Rule shall apply to showcases, and other places where alcoholic beverages are kept on the premises.

## **RULE 24 - CLASS C (CLUB) LICENSE HOLDERS**

The following pertain to the provisions and restrictions of the laws and rules and regulations governing the operation of clubs under a Class C (Club) license in Baltimore County.

A. A Class C license shall authorize the holders thereof (who must be officers of the organization) to keep for sale and sell all alcoholic beverages at retail to bona fide members and their guests at the place therein described, for consumption on the premises only.

B. No alcoholic beverages may be sold to members or guests to be taken off the premises of the club.

C. No member or guest may bring any alcoholic beverage onto the premises of the club.



D. When the club sponsors an affair that is open to the general public, or sells tickets, or charges admission to an affair, a Special One-Day License must be obtained from the Liquor Board if alcoholic beverages are to be served.

E. When the club rents its facility or a portion thereof to any other club, society or organization to hold an affair for which tickets are to be sold, admission is to be charged and/or alcoholic beverages are to be served, a Special One-Day License must be obtained from the Liquor Board, and the alcoholic beverages may not be furnished by the club from its stock, but must be purchased by the renting agency from a brewery or retail package goods dealer.

F. When the club rents its facility or a portion thereof for wedding receptions, reunions, or other like private affairs to which no admission is to be charged<sup>[1]</sup> or alcoholic beverages sold, no Special One-Day License is required. However, if alcoholic beverages are to be consumed, such beverages must be purchased by the lessee of the club from a retail establishment and may not be furnished or sold by the club from its stock.

#### **RULE 25 - LICENSES, CHANGES**

If, following the original or subsequent data and information filed by a licensee with the Board, e.g. Change of Telephone Number, Change of Address, Death of a Licensee, Dissolution of a Corporation, Change of Name, Election or Change of Officer(s), Change of ownership or Control in any way, and/or any other information necessary for the Board's records occurs, this information should be immediately reported in writing to the Office of the Liquor Board in the manner prescribed by law or rule.

#### **RULE 26 - CLOSING OF BUSINESS ESTABLISHMENT**

If a licensee closes his or her business for any reason for a period exceeding ten (10) days, the licensee shall inform the Board in writing within seventy-two (72) hours of the closing date, giving the reason for the closing, the estimated time the business will not be operated, and the future intention as to use of the license. If no such written explanation is received, the Board may consider such failure to communicate as evidence that the license has been vacated within the meaning of the Alcoholic Beverage Article.

#### **RULE 27 - MANAGERS, EMPLOYMENT OF**

A licensee shall employ a manager(s) or individual to whom the licensee delegates discretionary power to organize, direct, carry on, or control operations of the licensed business, when the licensee is not present at the licensed premises and the licensee shall make application to the Board giving required information on appropriate forms available in the Board's office so that the Board may be able to determine the qualifications of said manager or individual so delegated to act as a manager in the licensee's absence.

#### **RULE 28 - NO SALES TO MINORS**

A. A licensee may not:

1. sell or furnish alcoholic beverages to any person under twenty-one (21) years of age; or
2. allow any person under twenty-one (21) years of age to have in the person's possession an alcoholic beverage.

B. The licensee shall be fully responsible in determining that the person to whom the sale is made or the person in possession of an alcoholic beverage is over twenty-one (21) years of age.

#### **RULE 29 – RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER**

A retail dealer may not:

- (1) purchase any alcoholic beverage except from a licensed manufacturer or wholesaler, private bulk sale permit holder, or nonresident winery permit holder;
- (2) sell any alcoholic beverage to any other retail dealer except the holder of a Class C beer, beer and wine, or beer, wine, and liquor license; or
- (3) keep or allow to be kept any alcoholic beverage on the licensed premises except those that have been purchased by the retail dealer

#### **RULE 30 - DRINKING LIQUOR IN BEER ESTABLISHMENTS FORBIDDEN**

A license holder may not allow any person to consume any alcoholic beverages on the licensed premises other than those which the license permits to be sold thereon.

#### **RULE 31 - PROHIBITED HOURS**

A. A licensee may not allow any person to consume alcoholic beverages on the licensed premises during hours when such sales are prohibited by law.

B. No alcoholic beverages shall be served, dispensed, furnished or given away in any part of the premises during the hours when such sales are prohibited by law.

C. The hours during which the privileges conferred by a Class A license may be exercised shall be from 6:00 a.m. to 12:00 midnight on every day except on Sunday.

However, a holder of any class of retail off-sale alcoholic beverage license may exercise the off-sale license privilege on the Sunday immediately before Christmas Day, New Year's Eve, Rosh Hashanah, and Yom Kippur between the hours of 7:00 a.m. and 9:00 p.m.

D. The hours during which the privileges conferred by a Class B or ~~C-D~~ license may be exercised shall be from 6:00 a.m. to 2:00 a.m. on the day following.

- (1) FROM 6:00 A.M. TO 2:00 A.M. ON THE DAY FOLLOWING FOR ON-SITE CONSUMPTION; AND
- (2) FROM 6:00 A.M. TO 2:00 A.M. ON THE DAY FOLLOWING FOR OFF-SALE, PROVIDED THAT DURING OFF-SALE HOURS THE LICENSED PREMISES ARE OPEN TO THE PUBLIC AND AVAILABLE FOR THE PREPARATION AND CONSUMPTION OF FOOD AND ALCOHOLIC BEVERAGES ON THE PREMISES.

E. The hours during which the privileges conferred by a Class C license may be exercised shall be from 6:00 a.m. to 2:00 a.m. on the day following.

~~—The hours during which the privileges conferred by a Class D (beer and wine) license may be exercised shall be from 6:00 a.m. to 2:00 a.m. on the day following; a Class D (beer, wine and liquor) license shall be from 6:00 a.m. to 2:00 a.m. on the day following.~~

#### **RULE 32 - NO REFILLS**

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A licensee may not reuse, refill, tamper with adulterate, dilute, or fortify the contents of any container of alcoholic beverages.

### **RULE 33 - CLASS B - DEFINITION OF RESTAURANT**

A. A "restaurant" is defined as any establishment located in a permanent building with ample space and accommodation wherein full course meals are habitually prepared, sold and served to the public during the hours it is regularly open for business.

With respect to a regular Class B License, the aforesaid "full course meals" shall be served during the hours the establishment is regularly open for business or until 11:00 p.m. if the establishment remains open for business.

B. A restaurant shall be equipped with a public dining room with sufficient tables, chairs, cutlery and glassware to serve the meals prepared therein.

C. The restaurant shall be equipped with a kitchen having complete facilities and utensils for preparing and serving full course meals to the public.

D. There shall be employed a sufficient number of cooks, waiters and waitresses to serve the number of patrons provided for in the dining room.

E. Each restaurant shall maintain a menu advertising the serving of a variety of full course meals. There shall be maintained on the premises at all times, sufficient food to fill orders made from said menus.

F. A restaurant's food sales must be at least fifty-one percent (51%) of gross sales.

G. Any interruption of restaurant facilities for any reason whatsoever must be reported to the Board promptly.

### **RULE 34 - STORAGE**

It shall be unlawful for any licensee to store or keep any alcoholic beverages except on the premises covered by the license or at a public or government controlled warehouse having a permit issued under the provisions of the Alcoholic Beverage Article of the Annotated Code of Maryland.

### **RULE 35 - DISPLAY OF PLACARD**

All licensees must have prominently displayed in the kitchen and toilet rooms on the licensed premises a placard issued by the Health Department of Baltimore County, pertaining to the washing of hands after leaving the toilet.

### **RULE 36 - GARBAGE**

A licensee may not allow any garbage, rubbish or other waste material to accumulate on the premises. The licensee shall provide containers for the disposition of the same that conform with the requirements for the Health Department of Baltimore County, and shall keep such containers covered at all times.

#### **RULE 37 - SPECIAL WINE FESTIVAL (WF) LICENSE**

Pursuant to the Alcoholic Beverages Article § 13-1305 of the Annotated Code of Maryland, in Baltimore County, an applicant for a Special Wine Festival (WF) License must be a holder of a State Class 3 or State Class 4 winery license.

#### **RULE 38 – REFILLABLE CONTAINER – Draft Beer (Growler)**

Pursuant to the Alcoholic Beverages Article § 13-1102 of the Annotated Code of Maryland, in Baltimore County, a license holder of a Class A, B, or D license may exercise the privilege to sell draft beer for consumption off the licensed premise in certain refillable containers with a capacity of not less than 32 ounces and not more than 128 ounces.

The hours of sale for a refillable container permit shall begin at the same time as those for the underlying alcoholic beverage license and END AT MIDNIGHT.

#### **RULE 39 – NONREFILLABLE CONTAINER – Draft Beer (Crawler)**

Pursuant to the Alcoholic Beverages Article § 13-1103 of the Annotated Code of Maryland, in Baltimore County, a license holder of a Class A, B, or D license is authorized to sell draft beer for off-premises consumption by packaging the beer in a disposable, non-refillable container that meets specified standards. A container shall be: (1) constructed out of aluminum; (2) be sealable; (3) have a capacity of 32 ounces; (4) be branded with the identifying marks of the seller of the container; and (5) bear the federal health warning statement required for containers of alcoholic beverages.

The hours of sale for a non-refillable container permit are the same as those for the underlying license and END AT MIDNIGHT.